

REMARKS

By this paper, Claim 1 has been amended to incorporate the limitations of Claim 8 which has now been cancelled and to further define the burner. Additionally, Claims 4, 5, 11 and 15 have been amended to correct grammatical and typographical errors. Accordingly, Claims 1-7 and 9-17 remain in the application for consideration by the Examiner.

In the Office Action, Claims 1-17 were rejected under 35 USC 101 as being directed to non-statutory subject matter. The Examiner indicated that these claims were directed to an improper definition of a process. Applicants wonder whether the Examiner was mistakenly looking at the original claims rather than the amended claims submitted on January 18, 2005. Applicants submit that the previous amendments, which have been carried over into the current claims, properly define a process. Accordingly, reconsideration and withdrawal of this rejection is requested.

In the Office Action, Claims 1-17 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, it was asserted that it was unclear what structure would necessarily make up a “yellow flame” burner.

By this paper, Claim 1 has also been amended to indicate that the yellow flame burner is suitable for heating homes. Applicants respectfully submit that such burners are well known to those of skill in the art as is the designation of a yellow flame burner. See for example, U.S. Patent No. 5,645,409, column 3, lines 45-48; U.S. Patent No. 6,062,211, column 2, lines 2-7 and the online catalog of Rural Energy Enterprises, Inc. showing Godin Oil Heaters. In view of the foregoing, Applicants request reconsideration and withdrawal of this rejection.

Claims 2 and 3 were rejected as being vague and indefinite since it was not clear as to what aspect of the invention the recitation “lambda” referred to. The claims as previously amended, were directed to a process for operating a flame burner comprising burning a Fischer-Tropsch derived fuel. As defined in the specification, “lambda” is defined as the ratio of total air available for combustion to that required to burn all of the fuel. Accordingly, use of the term “lambda” in Claims 2 and 3 refers to the conditions of burning the Fischer-Tropsch derived fuel. Applicants request reconsideration and withdrawal of this rejection.

In the Office Action, Claims 1, 5, 6 and 7 were rejected under 35 USC 102(b) as being anticipated by Davis (5,378,348). As amended, Claim 1 indicates that the yellow flame burner is suitable for heating homes. Accordingly, Applicants submit that the claims as amended are clearly not anticipated by Davis which is directed to diesel and jet fuels.

Finally, Claims 1-17 were rejected under 35 USC 103(a) as being unpatentable over Suppes et al in view of Chen (4,764,266). As noted by the Examiner, Suppes et al discloses burning light Fischer-Tropsch fuels in combustion apparatus such as internal combustion engines. Chen is directed to a process for the refining of petroleum hydrocarbons for the production of premium quality distillates and lubricants.

Applicants respectfully submit that the cited references, neither alone nor together, disclose or suggest a process for operating a yellow flame burner suitable for heating homes with a Fischer-Tropsch derived fuel that contains more than 80 wt% of iso and normal paraffins, less than 1 wt% aromatics, less than 5 ppm sulphur and less than 1 ppm of nitrogen wherein the density of the Fischer-Tropsch derived product is between 0.65 and 0.8 g/cm³ at 15°C. Accordingly, Applicants submit that the claims as amended are patentable over the cited references.

In view of the foregoing, Applicants submit that the claims are in condition for allowance and favorable consideration by the Examiner is requested. Should the Examiner find any impediments to the allowance of the claims which can be corrected by telephone interview, the Examiner is requested to initiate such an interview with the undersigned.

Respectfully submitted,

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